

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ENOCK NYAMOTI,	:	
	:	
	:	
Plaintiff,	:	21-CV-7926 (VEC)
-against-	:	
	:	<u>ORDER</u>
	:	
THE MOUNT SINAI HOSPITAL,	:	
	:	
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on September 23, 2021, Plaintiff, proceeding *pro se*, filed an Amended Complaint for violations of the Fair Labor Standards Act (“FLSA”) and the New York Labor Laws (“NYLL”), *see* Am. Compl., Dkt. 4;

WHEREAS on March 15, 2023, the parties submitted a proposed settlement agreement for the Court’s approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), *see* Proposed Settlement Agreement, Dkt. 32-1;

WHEREAS the proposed settlement provides for \$250,000, of which \$125,000 is a settlement for Plaintiff’s backpay and \$125,000 is a settlement for damages, attorneys’ fees, and costs, *see id.* ¶ 2;

WHEREAS the proposed settlement releases Defendant from “any and all claims, liabilities or causes of action” arising from the allegations in the Complaint, regardless of their relationship to wage-and-hour issues, *see* ¶ 3; and

WHEREAS the Second Circuit has emphasized that judicial approval of FLSA settlements is necessary in part to protect plaintiffs from “overbroad release[s]” that would

“waive practically any possible claim against the defendants, including unknown claims and claims that have no relationship whatsoever to wage-and-hour issues,” *Cheeks*, 796 F.3d at 206 (internal quotation marks and citation omitted);

IT IS HEREBY ORDERED that not later than **Friday, March 24, 2023**, the parties must submit a revised proposed settlement agreement with a narrower release provision or Defendant must submit a letter to the Court explaining why the settlement should be approved despite its broad release provision.

IT IS FURTHER ORDERED that the pretrial conference scheduled for Friday, March 17, 2023 at 10:00 A.M. is adjourned *sine die*.

SO ORDERED.

Date: March 15, 2023
New York, NY



VALERIE CAPRONI
United States District Judge